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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,003	12/14/2001	John W. Rojas	F-437	7875

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EXAMINER	
MILLER, JONATHAN R	

ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,003	ROJAS ET AL.	
	Examiner	Art Unit	
	Jonathan R. Miller	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the criteria" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mandeley et al. Michael et al. The reference discloses a method for rerouting mailpieces in a carrier distribution system comprising the steps of: receiving a plurality of mailpieces within the carrier distribution system; dynamically determining the criteria defining a suspect group of mailpieces; identifying suspect mailpieces from the plurality of mailpieces by automatically detecting within the carrier distribution system which of the plurality of mailpieces meet the criteria defining the suspect group of mailpieces; and outsorting the suspect mailpieces for evaluation (col. 2, lines13+; col. 3, lines 9+).

6. With regards to claim 2, the reference further discloses determining the criteria defining the suspect group of mailpieces based on a place of induction of mailpieces within the carrier distribution system (col. 11, lines 58+).

7. With regards to claim 3, the reference further discloses the place of induction is one of a carrier receptacle and a carrier facility (col. 11, lines 58+).

8. With regards to claim 4, the reference further discloses the suspect group is a neighborhood suspect group that is defined by determining the criteria defining the suspect group based on a plurality of places of induction of mailpieces within the carrier distribution system. The mailpeices travel through a plurality of places of induction as they are processed from sender to recipient. Mailpeice characteristics are measured and compared at each of these places of induction. Therefore, the criteria defining the suspect group is based on a plurality of places of induction of mailpieces within the carrier distribution system.

9. With regards to claim 5, the reference further discloses the suspect mailpieces are outsorted to a special evaluation facility (col. 14, lines 1+)

10. With regards to claim 6, the reference further discloses the outsorting of the suspect mailpieces includes automatically rerouting the suspect mailpieces within the carrier distribution system for delivery to a location different from the destination addresses associated with each of the suspected mailpieces (col. 14, lines 1+).

11. With regards to claim 14, the reference further discloses the criteria defining the suspect group is further determined based on the place of induction and a timeframe of induction of mailpieces at the place of induction (col. 13, lines 55+).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 7, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manduley et al. in view of Kato et al. Manduley et al. and Kato et al. are analogous art because they are from the same field of endeavor: mail delivery systems.

14. With regards to claim 7, Manduley et al. discloses the plurality of mailpieces each include a corresponding Tag and further comprising for each one of the plurality of mailpieces writing to its corresponding Tag an identifier of a least one of a plurality of processing locations of the carrier distribution system through which each one of the plurality of mail pieces was inducted. Manduley et al., however fails to disclose the RFID specifically. Kato et al. discloses the RFID tag and its use in regards to tracking individual pieces of mail. Furthermore, Kato et al. discloses the interchangeability of the RFID tag with the bar code, which is used by Manduley et al. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the RFID tag in place of the bar code. The use of the RFID tag on individual pieces of mail for tracking is also well-known in the art.

15. With regards to claim 15, Manduley et al. discloses the plurality of mailpieces each include a corresponding Tag and further comprising for each one of the plurality of mailpieces writing to its corresponding Tag an identifier of at least one of a plurality of processing locations of the carrier distribution system through which the each one of the plurality of mailpieces was

inducted and a corresponding time of induction. Manduley et al., however fails to disclose the RFID specifically. Kato et al. discloses the RFID tag and its use in regards to tracking individual pieces of mail. Furthermore, Kato et al. discloses the interchangeability of the RFID tag with the bar code, which is used by Manduley et al. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the RFID tag in place of the bar code. The use of the RFID tag on individual pieces of mail for tracking is also well-known in the art.

16. With regards to claim 17, Manduley et al. discloses a first facility at which a mailpiece including an Tag is inducted, the first facility including means for writing to the Tag an identifier of the first facility; and a second facility that receives the mailpiece after its processing through the first facility, the second facility including means for reading the Tag to obtain the identifier and to determine based on the identifier if the mailpiece is a suspect mailpiece included as part of a group of suspect mailpieces which group of suspect mailpieces is based at least in part on a place of induction of mailpieces within the postal distribution system, and means for setting in the tag a readable indicator of the rerouting of the mailpiece to an address different from the delivery address of the mailpiece. Manduley et al., however fails to disclose the RFID specifically. Kato et al. discloses the RFID tag and its use in regards to tracking individual pieces of mail. Furthermore, Kato et al. discloses the interchangeability of the RFID tag with the bar code, which is used by Manduley et al. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the RFID tag in place of the bar code. The use of the RFID tag on individual pieces of mail for tracking is also well-known in the art.

17.

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